

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 21, 1893.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany H. R. 3253.]

The Committee on Pensions, to whom was referred the bill (H. R. 3253) granting an increase of pension to William G. Smith, of Huntington, Ind., have examined the same and report.

From the facts stated in the House report, which is hereby approved and attached and made a part of this report, your committee believe this to be a meritorious measure and do recommend the passage of the bill.

[House Report No. 2072, Fifty-second Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3253) to increase the pension of William G. Smith, submit the following report:

The military history of the claimant, William G. Smith, shows that he served in Company G, Thirty-fourth Indiana Volunteers, from August 28, 1861, to February 3, 1866, a period of four years and five months.

The records of the Surgeon-General's Department show no record of treatment for disabilities named in the claimant's declaration. Claimant's affidavit shows that he was treated by his regimental surgeon only, of which there is no record. The surgeon deceased in 1884.

September 16, 1886, he executed his application for pension, claiming that he contracted malarial fever (or break bone fever) on the Rio Grande in August, 1865, and was treated with arsenic, which disease and the treatment therefor resulted in dropsy, from which he still suffers.

The claimant in support of his claim filed voluminous testimony, both of neighbors, comrades, and home physicians, who both treated and made medical examinations of him covering nearly the whole time up to 1892. The claimant was examined by four different medical boards of examiners and his claim was finally rejected July 27, 1887. Subsequently he was pensioned at \$10 per month under the act of June 27, 1890.

As the rejection of the claim was solely due to the reports made by the medical examiners, your committee has carefully examined these reports, as well as the evidence submitted by the claimant, and made a careful synopsis of that portion that seems to have had a direct bearing upon the case.

These examinations cover a period from February, 1887, to November, 1889, and as they largely disagree as to the diagnosis of the case, as well as in the rating of the claimant, they are quoted.

Examination February, 1887, the board say:

"General physique or embonpoint of claimant, 'plethora apoplectique,' measuring 57 inches around umbilicus, 50 inches around mammal. Owing to foot or two of abdominal adiposity, unable to make contour of liver or spleen, even approximately; fail to detect liquid ascitic or other fluid in abdominal cavity; no dropsy of scrotum; coated tongue; no introlleoraic lesions or adventitious sounds; heart normal; impossible to examine spleen or liver; now no evidence of malarial poisoning or dropsy; hence can not rate for these conditions."

April 18, 1888, reexamined by another board and rated two-eighteenths for dropsy. January, 1889, at third examination he was rated two-eighteenths for malarial poisoning and dropsy.

November, 1889, fourth examination, measurement over umbilicus 5 feet 8 inches; impossible to describe liver or spleen; no signs of dropsy; rate, one-eighth varicose veins, four-eighths piles.

May 6, 1891, at his fifth examination, under application, act of June 27, 1890, the board say:

"Physique, too stout; appearance, poor; chronic diarrhea; tongue red, furred, and fissured; stomach, liver, and spleen tender. Our opinion liver enlarged, but abdominal adipose makes us unable to determine accurately; entire colon tender; rectum veins engorged, parts sensitive; prostate gland enlarged, tender, due to constipation, result of chronic diarrhea; adipose, largest circumference 70 inches; lower and front part of abdomen hangs pendulous, 14 inches below pubis; oedematous condition both legs. Rating first grade, excessive adipose, four-eighteenths chronic diarrhea, four-eighteenths hemorrhoids, and six-eighteenths loss of fingers."

On behalf of claimant Dr. Martin James, of thirty-four years' practice, who examined him November, 1888, testified:

"Gave claimant medical treatment in 1867 for malarial trouble, disease of kidneys, and general breaking down of system. I believe his disease originated in service. During last four years have frequently examined him, and know he is suffering from anasarclous dropsy, caused from diseases above named."

January, 1887, Dr. Abner H. Shaffer testified that he had often noticed applicant, and at date above examined him and found him suffering from dropsy of long standing, the probable result of malarial fever. July, 1887, Dr. D. S. Leyman examined claimant, and with the same conclusions as reached by Dr. Abner H. Shaffer.

September, 1887, Dr. J. E. Lyon, who examined patient at that date, testified that he had known claimant eighteen years; that he was totally disabled, due to malarial poisoning, which at present, instead of chills, as formerly, results in alternate attacks of purging and vomiting, nature's effort to relieve him of serous accumulations in abdomen, the result of arsenical treatment in the Army.

May, 1888, Dr. William Choffee examined claimant and testified that he had known him five years; that he was suffering from fatty degeneration of the heart and dropsy, due to malarial influence of chronic character.

November, 1888, Dr. J. D. Searles examined claimant and testified that he had known him nineteen years and had prescribed for him several times between 1869 and 1884 for malarial trouble and irritation of bladder of long standing. He is affected with fatty degeneration of the heart and dropsical accumulations of abdomen, due, from history of case, in my opinion, to malarial trouble.

There is also a mass of evidence of neighbors and comrades showing that he was taken sick with malarial fever at Brownsville, Tex., in 1865, while in line of duty near the close of his four years and five months' service, from which he never recovered; that he was sick when discharged from the service, and sick when he returned home; that for some four or five years after his discharge he was able to perform some manual labor, but after 1870 none whatever; that he suffered from chills for some twelve or fourteen years; that after that time there was an entire change in his pathological condition, which indicated various changeable manifestations and conditions that led the different examining boards to incorrect conclusions, which, together with his immense adipose, made it impossible to correctly diagnose.

For these reasons your committee are led to conclude that his comrades and neighbors, who knew the progressive character of his troubles, and his physicians, who knew and were familiar with his case almost from the beginning of his troubles, who prescribed for him over a series of years embracing the larger portion of the time after his discharge up to the present, and who made frequent medical examinations of his condition, were better able to reach correct conclusions than the medical boards who knew nothing of the history of his case, and whose opinions were based solely upon brief examinations made under circumstances that they could not judge the claimant's case as well as the physicians who were familiar with his case.

For these reasons your committee are of the opinion that the rejection of his first claim by the Pension Department did great injustice to the claimant, and that the subsequent allowance of \$10 per month under the act of June 27, 1890, was wholly inadequate to do justice to the claimant, in view of his good character and temperate habits, of his long service, of his disabilities incurred in that service and in line of duty, which render him entirely helpless and dependent, without any income whatever, on the pension above mentioned.

The committee recommend that the bill be amended by striking out of line 7 the word "fifty" and inserting in lieu thereof the word "thirty," and when so amended recommend the passage of the bill.